

Proskauer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	ECF Case
PAN AMERICAN WORLD AIRWAYS, INC.,	: 08-CV-5480 (LAP)
Plaintiff,	:
v.	:
VETEMENTS, INC., KINSER CHIU, MACHINE PROJECT,	: ORDER ON CONSENT
INC. and ANTHONY LUCAS,	:
Defendants.	:
-----X	

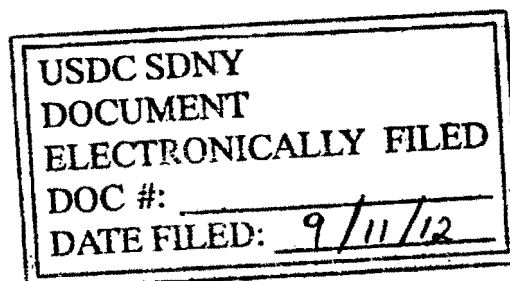
WHEREAS, Pan American World Airways, Inc. ("Pan Am") is the owner of all rights in the following trademarks (1) the words "Pan Am," (2) the Pan Am Globe Design, (3) the words "Pan American World Airways," and (4) Pan Am Wing Design (collectively, the "Pan Am Marks");

WHEREAS, in June 2008, Pan Am filed an action alleging, *inter alia*, trademark infringement against defendants Vetements, Inc. ("Vetements") and Kinser Chiu ("Chiu");

WHEREAS, thereafter, as directed by the Court, Pan Am filed an amended complaint including Machine Project, Inc. ("Machine Project") and Anthony Lucas ("Lucas") as defendants in addition to Vetements and Chiu;

WHEREAS, various counterclaims were asserted on behalf of Machine Project against Pan Am;

WHEREAS, Pan Am moved for summary judgment dismissing Machine Project's counterclaims and for judgment on Pan Am's trademark infringement claims against Vetements;



WHEREAS, by order dated April 12, 2012, this Court granted Pan Am's motion for summary judgment, dismissing all counterclaims on improper forum grounds, awarding judgment to Pan Am on its trademark infringement claims against Vetements, and permanently enjoining Vetements from manufacturing or selling goods bearing any of the Pan Am Marks or otherwise infringing the Pan Am Marks;

IT IS HEREBY STIPULATED, AGREED AND ORDERED that Pan Am's remaining damages claims against Vetements are dismissed with prejudice;

IT IS FURTHER STIPULATED, AGREED AND ORDERED that Chiu, solely in his personal capacity, is permanently enjoined from manufacturing, distributing or selling goods bearing any of the Pan Am Marks or otherwise infringing the Pan Am Marks.

IT IS FURTHER STIPULATED, AGREED AND ORDERED that nothing contained herein shall limit Chiu's right to work as an officer, employee or authorized agent for a corporation or other entity that has valid rights to use the Pan Am Marks. Specifically, in the event that a court of competent jurisdiction decides that Machine Project has any rights to use the Pan Am Marks and that Chiu has the right to act on behalf of Machine Project, nothing contained herein shall prohibit Chiu from exercising Machine Project's rights.

IT IS FURTHER STIPULATED, AGREED AND ORDERED that nothing contained herein shall prevent Machine Project, Chiu and/or Vetements from taking an appeal from those portions of the final judgment in this action not expressly agreed to herein, or commencing a new action in a Massachusetts forum.

IT IS FURTHER STIPULATED, AGREED AND ORDERED that nothing contained herein shall be considered an admission of any fact or waiver of any right or argument by Pan Am, and nothing contained herein shall limit Pan Am's right to defend and oppose any claim by Machine Project that it has any right to use the Pan Am trademarks.

Dated: New York, New York
September 6, 2012

RAYMOND W.M. CHIN, ESQ.

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Respectfully submitted,

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*Attorneys for Plaintiff,
Pan American World Airways, Inc.*

So Ordered:

Hon. Loretta A. Preska
United States District Chief Judge

The Clerk of the Court shall
mark this action closed and all
pending motions denied as moot.

SO ORDERED:

Loretta A. Preska
LORETTA A. PRESKA, U.S.D.J.

September 11, 2012